



**ANALYSIS OF WHAT HAS HAPPENED SINCE
FEBRUARY 2014 TO CLEAN UP CASE BACKLOG:
SUCCESSSES, CHALLENGES, TARGETS AND
STRATEGIES FOR PERFORMING BETTER IN 2015**

**PRESENTED BY HON. PRINCIPAL JUDGE,
HIGH COURT OF UGANDA
HON. JUSTICE DR. YOROKAMU BAMWINE**

AT

**THE ANNUAL JUDGES CONFERENCE,
IMPERIAL GOLF VIEW HOTEL, ENTEBBE
FEBRUARY 22 – 26, 2015**

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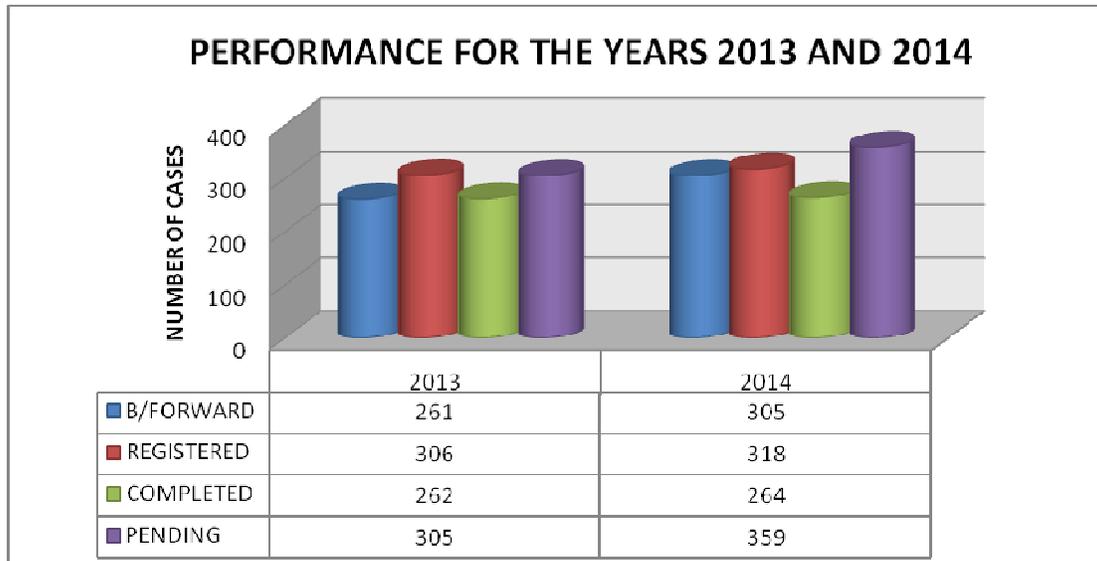
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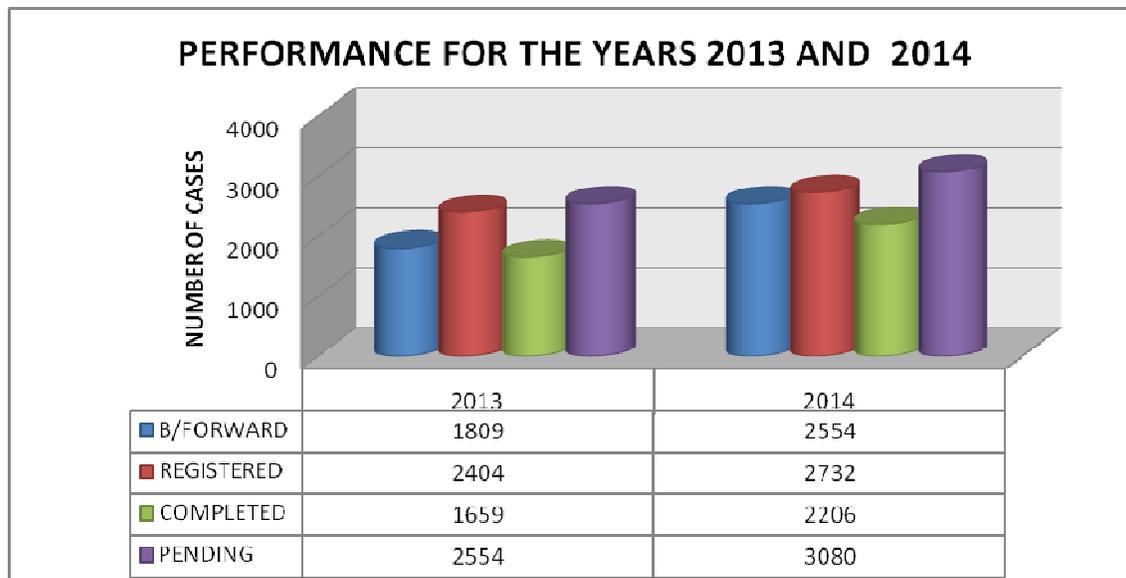
GRAPHICAL REPRESENTATION OF THE PERFORMANCE OF HIGHCOURT DIVISIONS FOR THE YEARS 2013 AND 2014

1. HIGHCOURT DIVISIONS

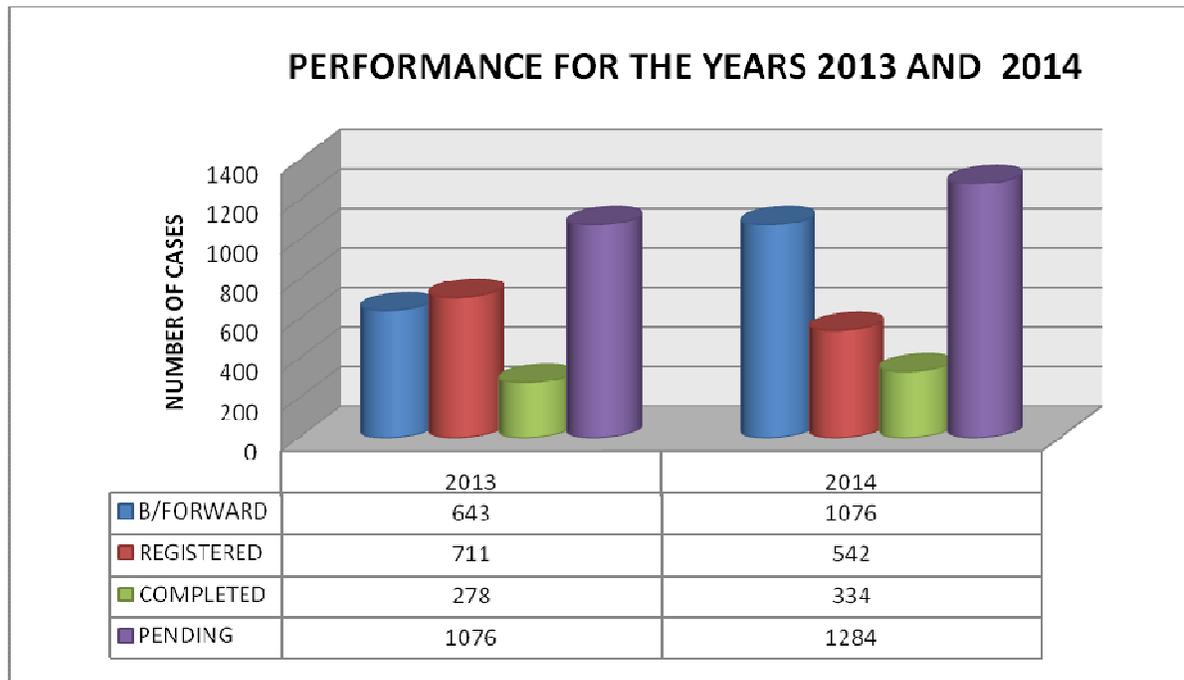
1.1. ANTI CORRUPTION



1.2. COMMERCIAL

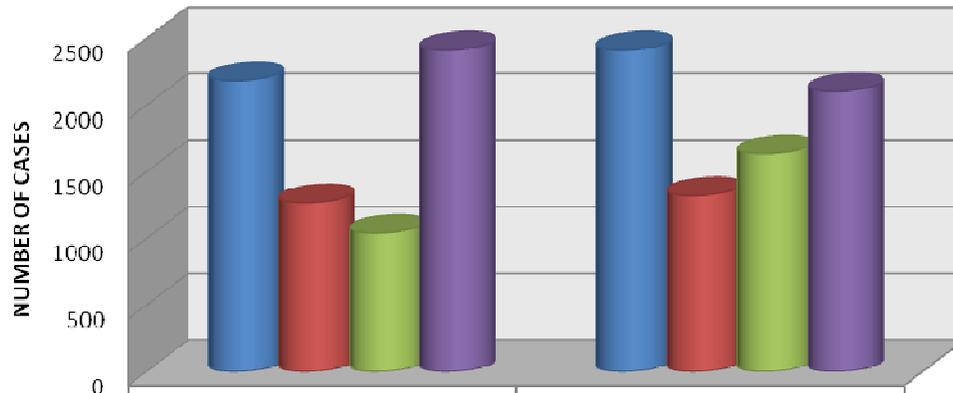


1.3. CRIMINAL



1.4. CIVIL

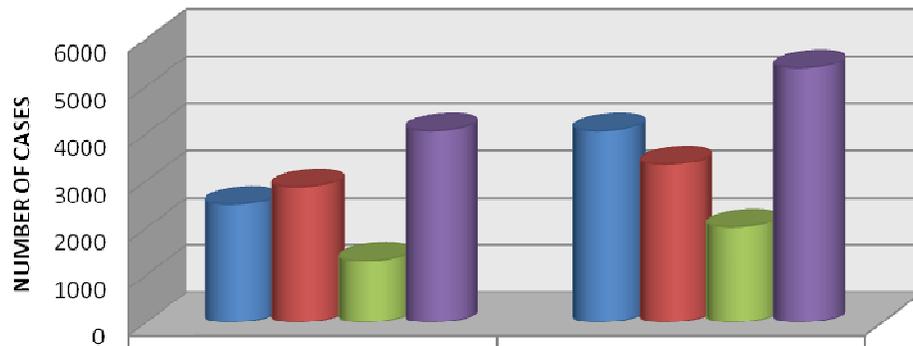
PERFORMANCE FOR THE YEARS 2013 AND 2014



	2013	2014
■ B/FORWARD	2187	2415
■ REGISTERED	1270	1324
■ COMPLETED	1042	1635
■ PENDING	2415	2104

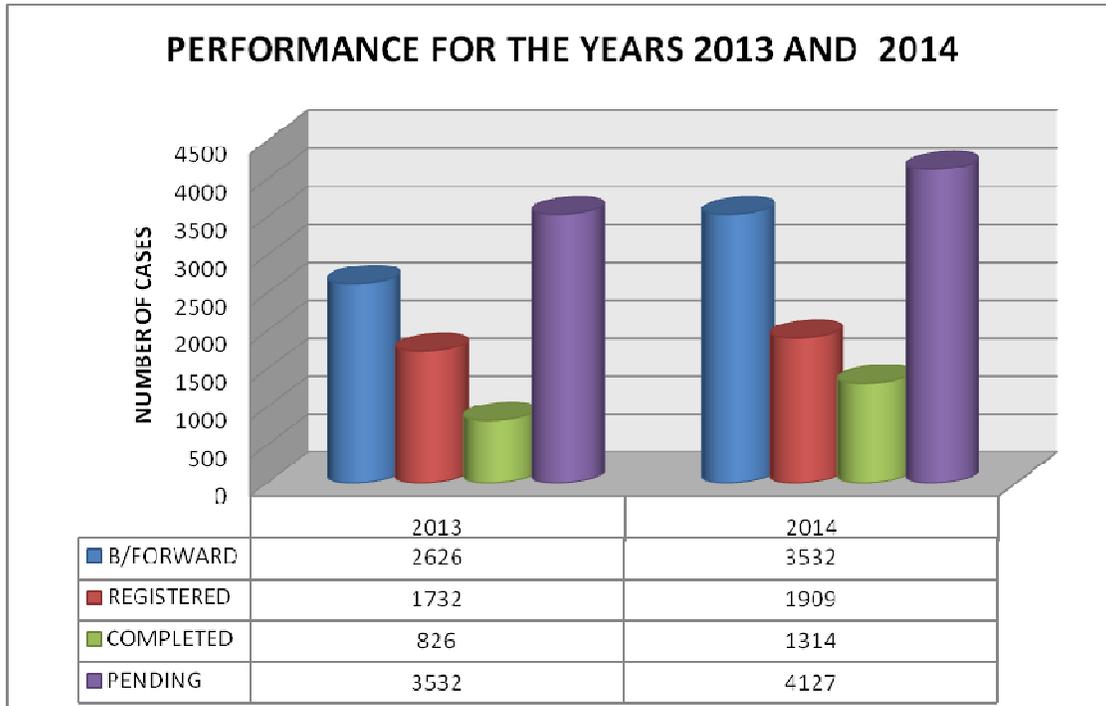
1.5. EXECUTION AND BAILIFFS

PERFORMANCE FOR THE YEARS 2013 AND 2014

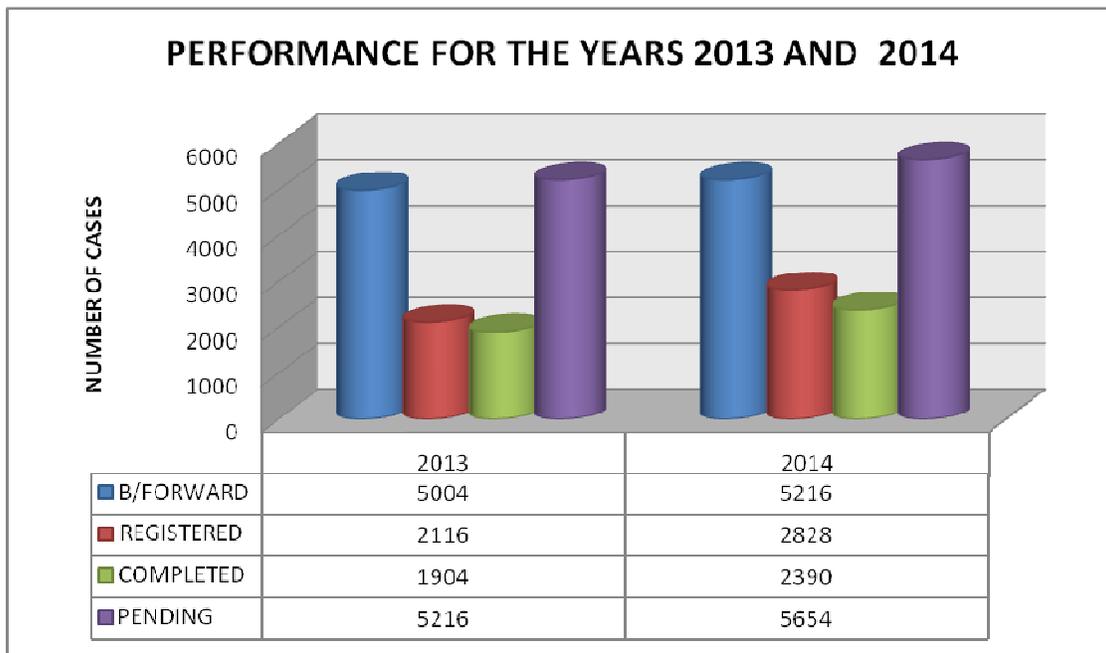


	2013	2014
■ B/FORWARD	2501	4063
■ REGISTERED	2872	3353
■ COMPLETED	1310	2022
■ PENDING	4063	5394

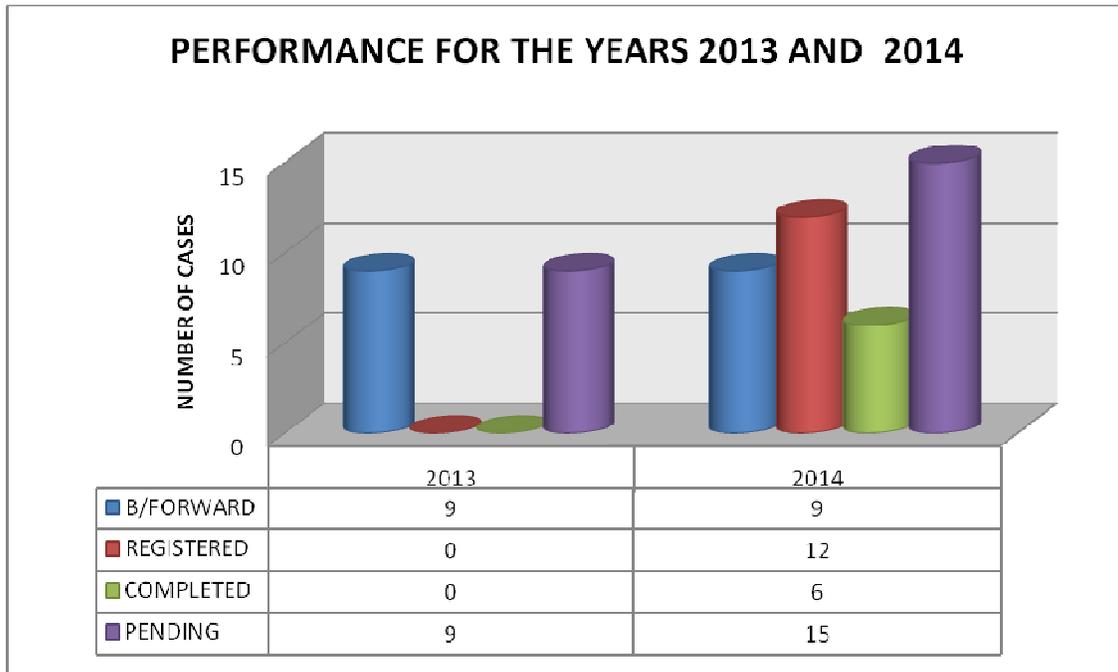
1.6. FAMILY



1.7. LAND

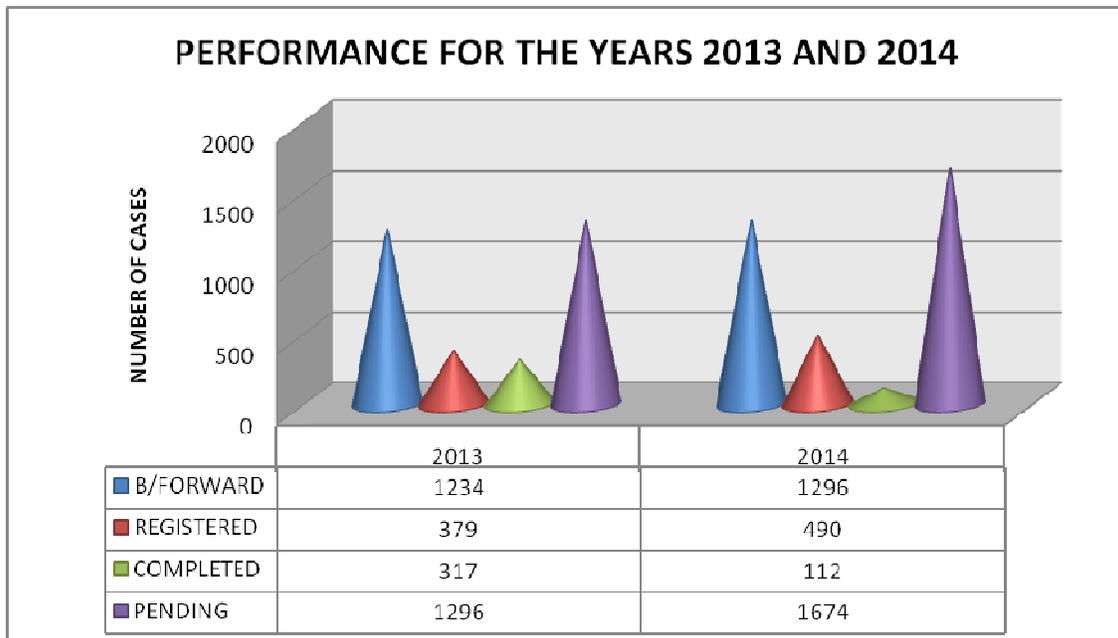


1.8. INTERNATIONAL CRIMES DIVISION

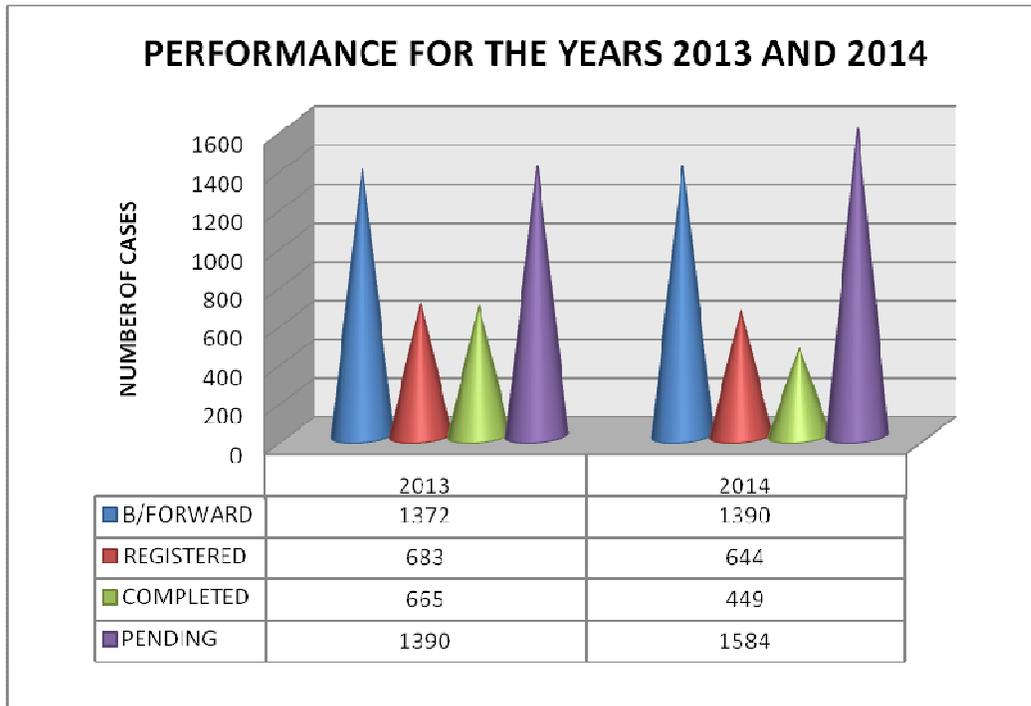


2.0 HIGHCOURT CIRCUITS (CIVIL & CRIMINAL COMBINED)

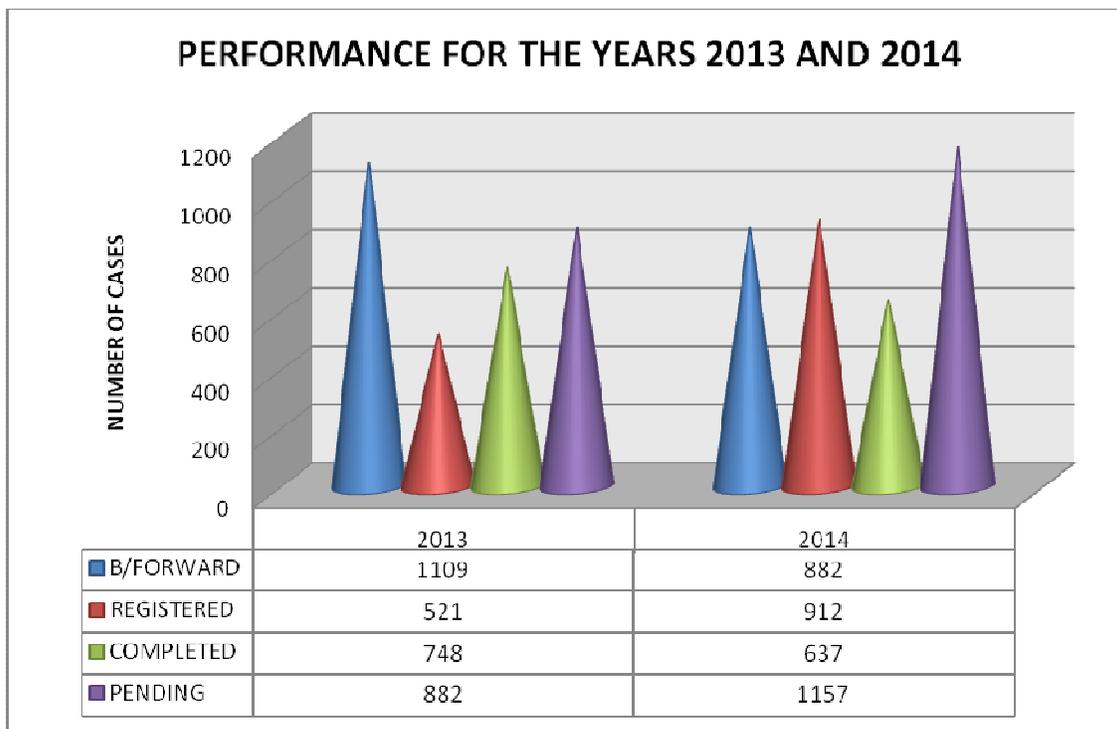
2.1. ARUA



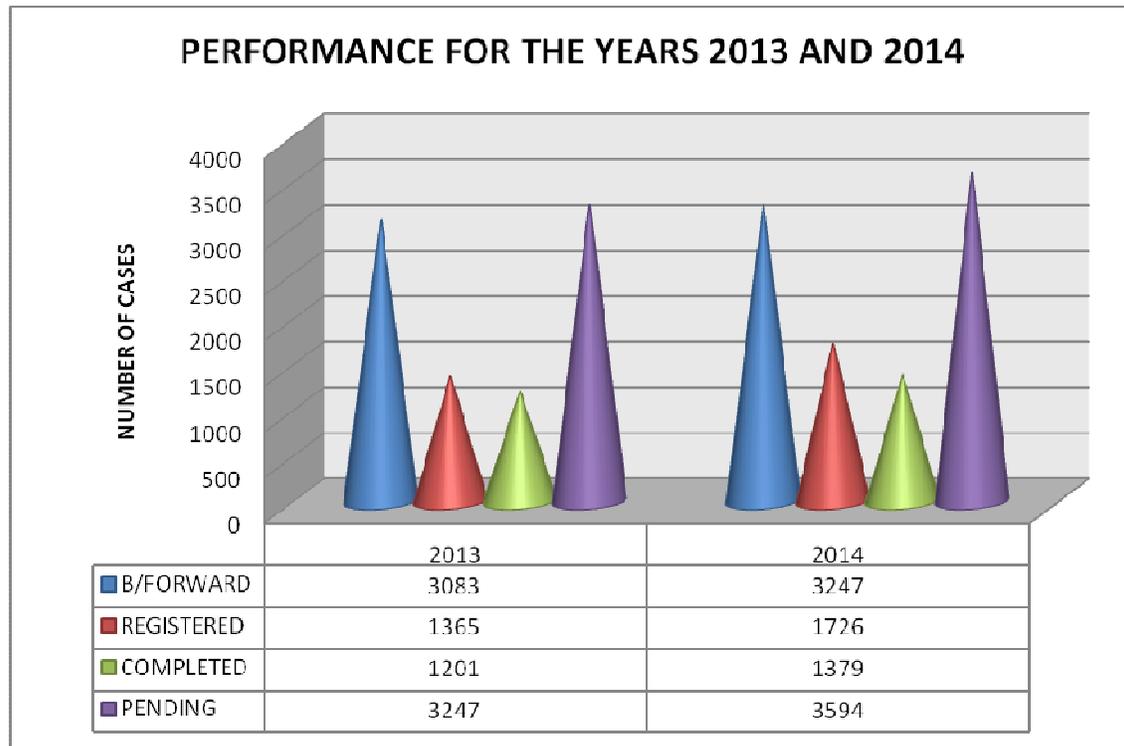
2.2. FORTPORTAL



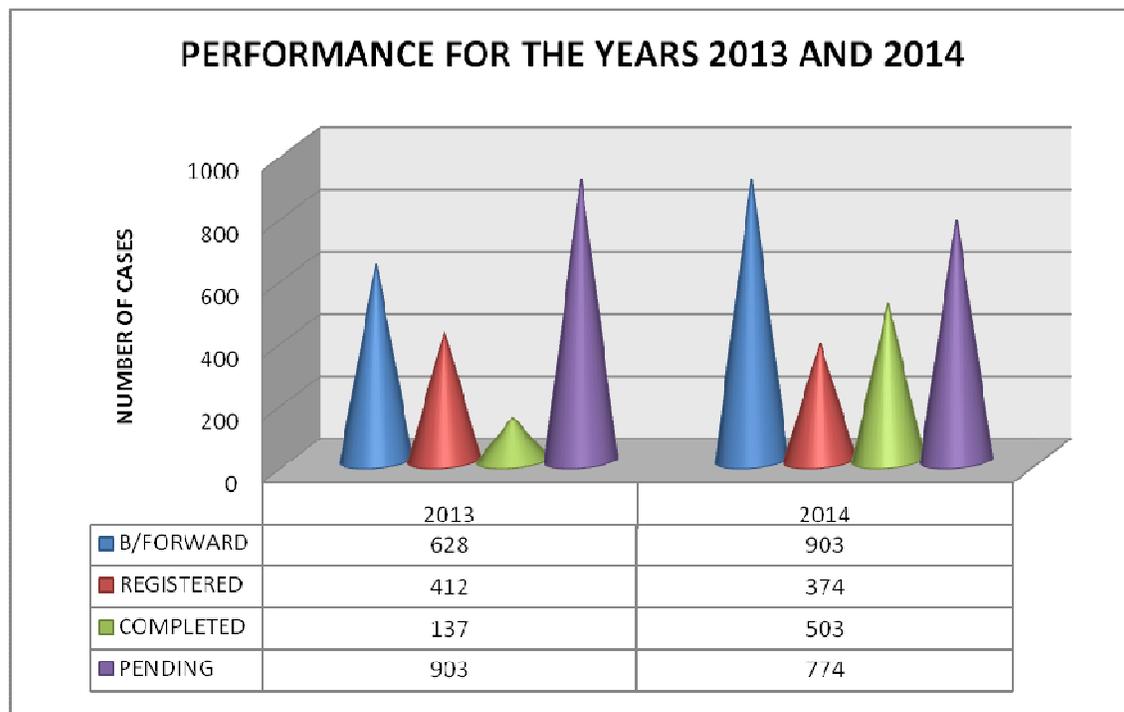
2.3. GULU



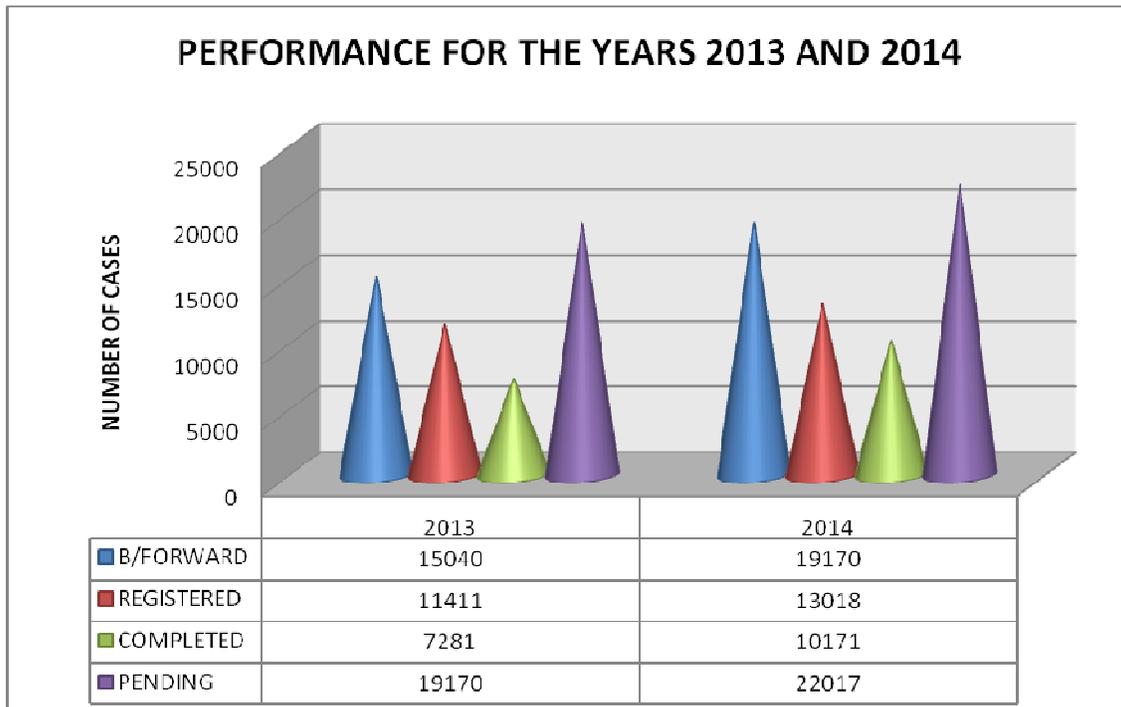
2.4. JINJA



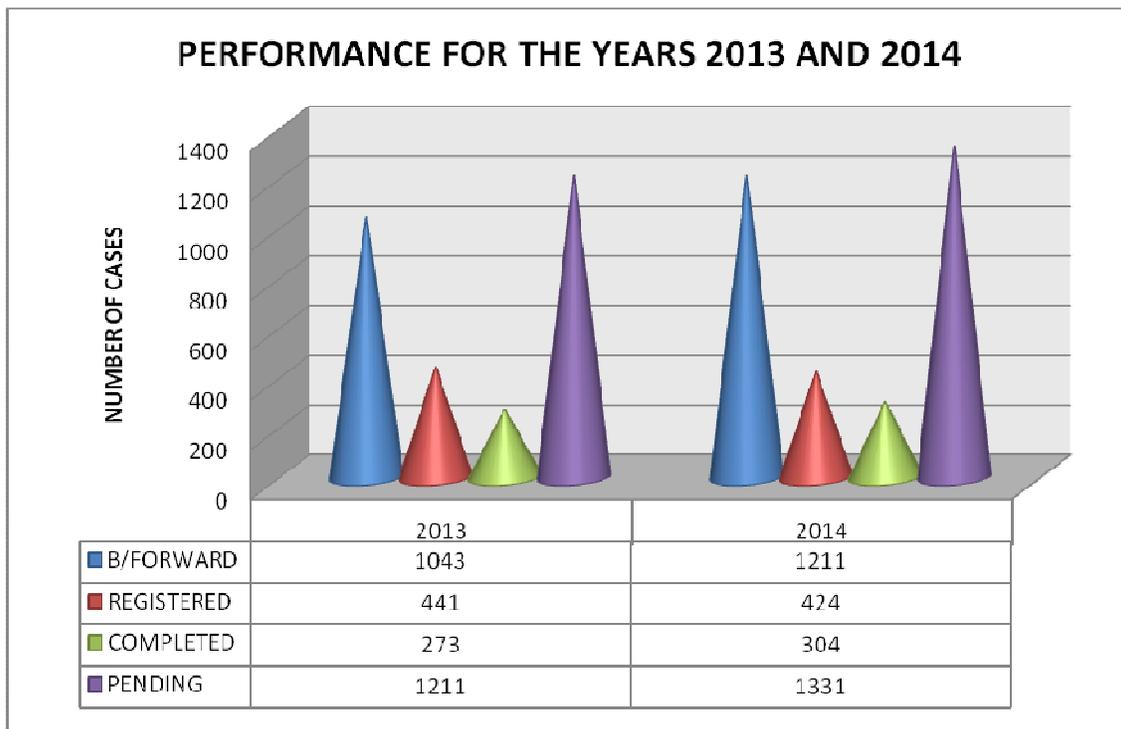
2.5. KABALE



2.6. KAMPALA (ALL DIVISIONS)

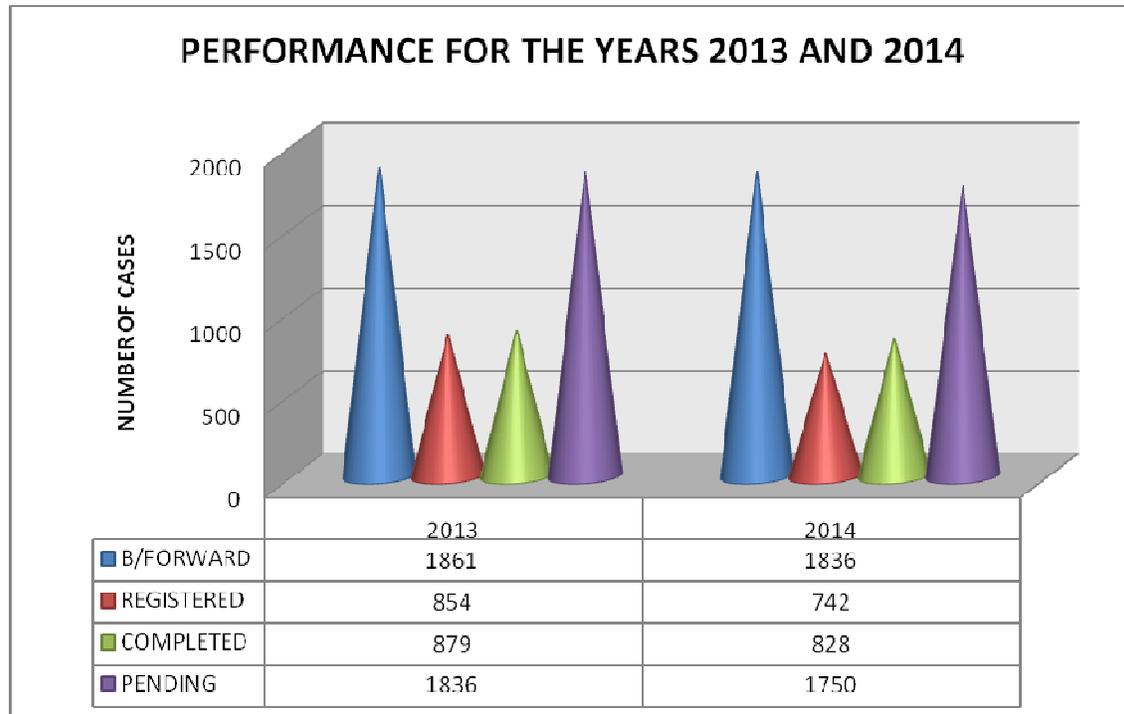


2.7. LIRA



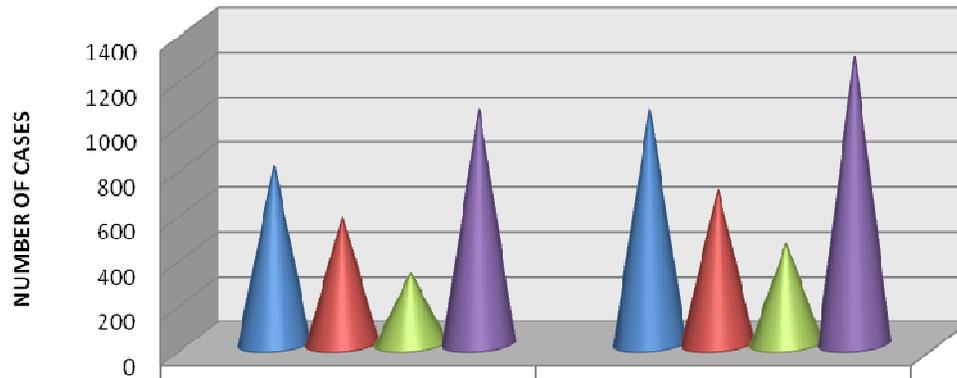
2.8.

MASAKA



2.9. MASINDI

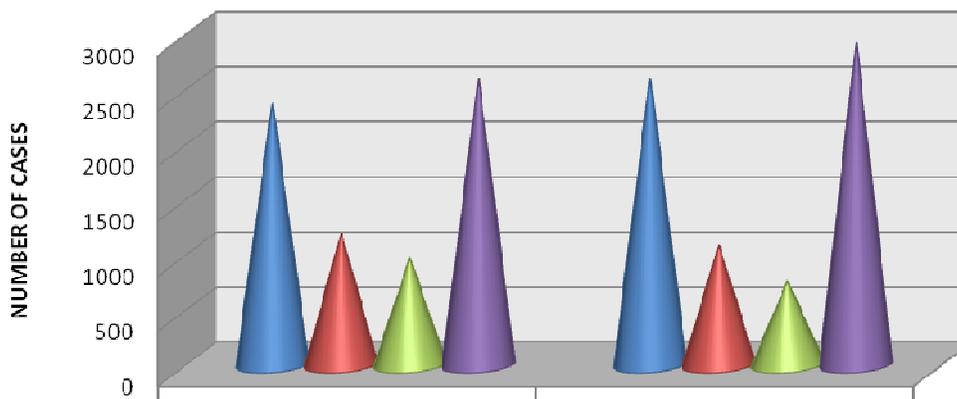
PERFORMANCE FOR THE YEARS 2013 AND 2014



	2013	2014
B/FORWARD	791	1042
REGISTERED	565	683
COMPLETED	314	444
PENDING	1042	1281

2.10. MBALE

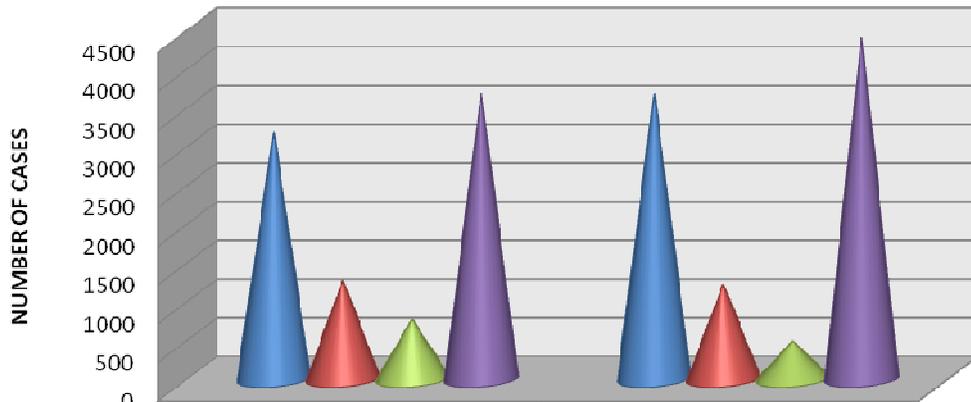
PERFORMANCE FOR THE YEARS 2013 AND 2014



	2013	2014
B/FORWARD	2362	2587
REGISTERED	1186	1080
COMPLETED	961	754
PENDING	2587	2913

2.11. MBARARA

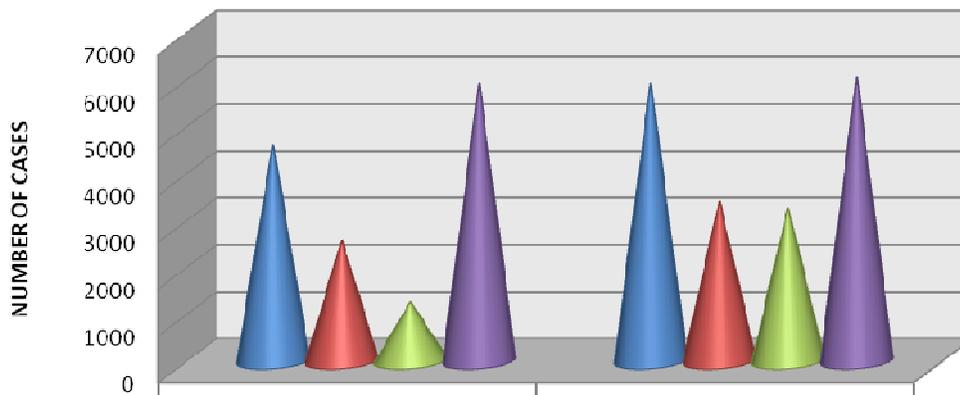
PERFORMANCE FOR THE YEARS 2013 AND 2014



	2013	2014
■ B/FORWARD	3173	3672
■ REGISTERED	1265	1215
■ COMPLETED	766	485
■ PENDING	3672	4402

2.12. NAKAWA

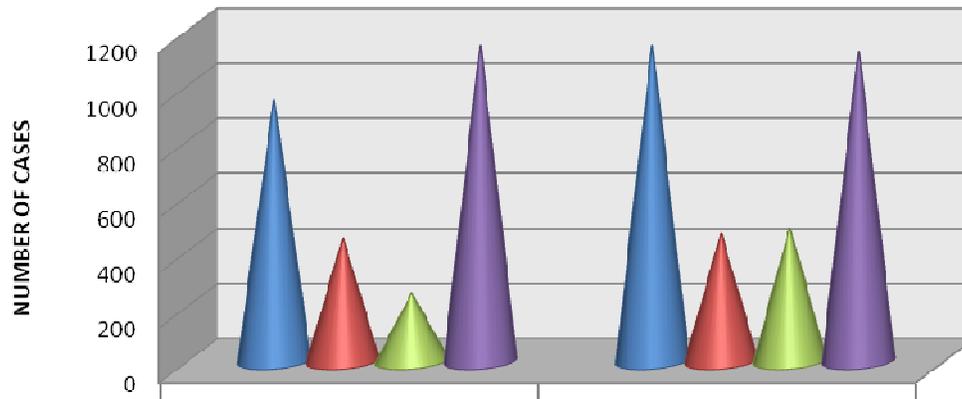
PERFORMANCE FOR THE YEARS 2013 AND 2014



	2013	2014
■ B/FORWARD	4596	5902
■ REGISTERED	2557	3388
■ COMPLETED	1251	3256
■ PENDING	5902	6034

2.13. SOROTI

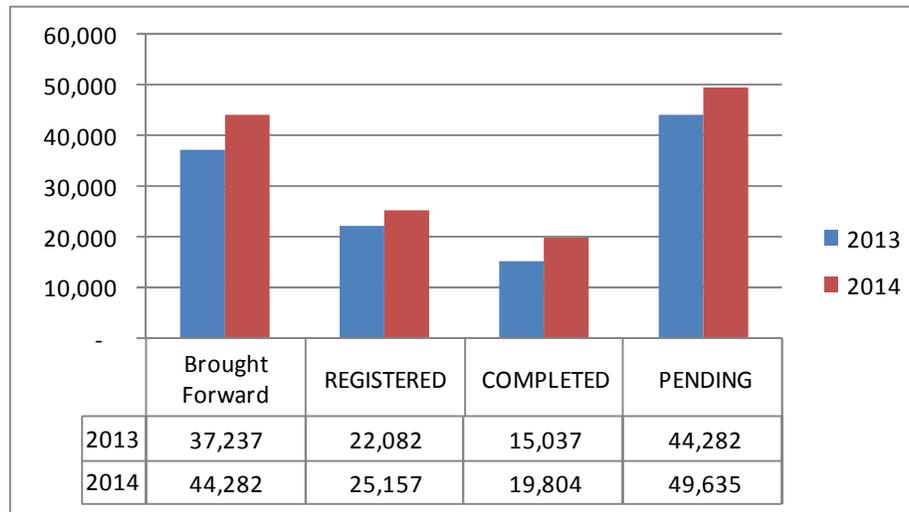
PERFORMANCE FOR THE YEARS 2013 AND 2014



	2013	2014
■ B/FORWARD	945	1144
■ REGISTERED	443	461
■ COMPLETED	244	482
■ PENDING	1144	1123

PART II

3.1 OVERALL HIGH COURT PERFORMANCE (CIRCUITS & DIVISIONS)



In 2013, 17 Judges (**listed in the table below**) were appointed and in June 2013 were deployed to the respective Stations. The Hon. Judges used the second half of the year 2013 to settle in. The impact of their performance is reflected in the 2014 statistics.

S/No.	Hon. Justice
1.	Hon. Lady Justice Elizabeth Jane Alividza
2.	Hon. Lady Justice Lydia Mugambe
3.	Hon. Lady Justice Alexandra Nkonge Rugadya
4.	Hon. Justice Duncan Gaswaga
5.	Hon. Justice Henry Peter Adonyo
6.	Hon. Lady Justice Damalie Lwanga
7.	Hon. Lady Justice Elizabeth Kibula Kabanda
8.	Hon. Lady Justice Eva Luswata
9.	Hon. Lady Justice Margaret Tibulya
10.	Hon. Justice Godfrey Namundi
11.	Hon. Lady Justice Henrietta Wolayo
12.	Hon. Justice David N.A. Batema
13.	Hon. Justice John Eudes Keitirima
14.	Hon. Justice Henry Isabirye Kawesa
15.	Hon. Justice Vincent Okwanga
16.	Hon. Lady Justice Winfred Nabisinde
17.	Hon. Justice Michael Elubu

From the statistics, a jump from 15,037 cases completed in 2013 to 19,804 cases completed in 2014 (difference of 4,767) is a great one. It

shows that with more Judges and funding, we can do a lot better. Since in 6 months only the new Judges were able to make their impact felt, we wait to see what the figures will be like at the end of the Law Year 2015.

The statistics show an improvement in the disposal rate – from 25% (2013) to 29% (2014); an improvement in the clearance rate – from 68% (2013) to 79% (2014) and a drop in caseload growth – from 19% (2013) down to 12% in 2014.

Analysis of the Overall High Court Performance

	Brought Forward	REGISTERED	COMPLETED	PENDING
2013	37,237	22,082	15,037	44,282
2014	44,282	25,157	19,804	49,635

From the table of High Court Performance above we can calculate the following:

Performance Measures/Indicators

When analyzing the work of Court Stations and Judicial officers, the High Court Data Centre currently evaluates three (3) Key Performance Indicators readily available using Caseload statistics reported by the courts: Clearance Rate(Disposal-Reg), Disposal Rate (Disposal-Total) and Caseload Growth.

Disposal Rate (Disposal-Total) (%)

This indicator identifies how well a court keeps up with the available cases (Brought forward and registered) in a given period of time. It is calculated as follows:

$$\text{Disposal Rate} = \frac{\text{Number of Cases Completed}}{\text{Cases Brought Forward} + \text{Cases Registered}} \times 100$$

Clearance Rate (Disposal-Reg) (%)

This is a parameter developed to compare number of cases completed to the number of cases registered in a given period of time. It is calculated as:

$$\text{Clearance Rate (Disposal-Reg) (\%)} = \frac{\text{Number of Completed}}{\text{Number of Cases Registered}} \times 100$$

Caseload Growth

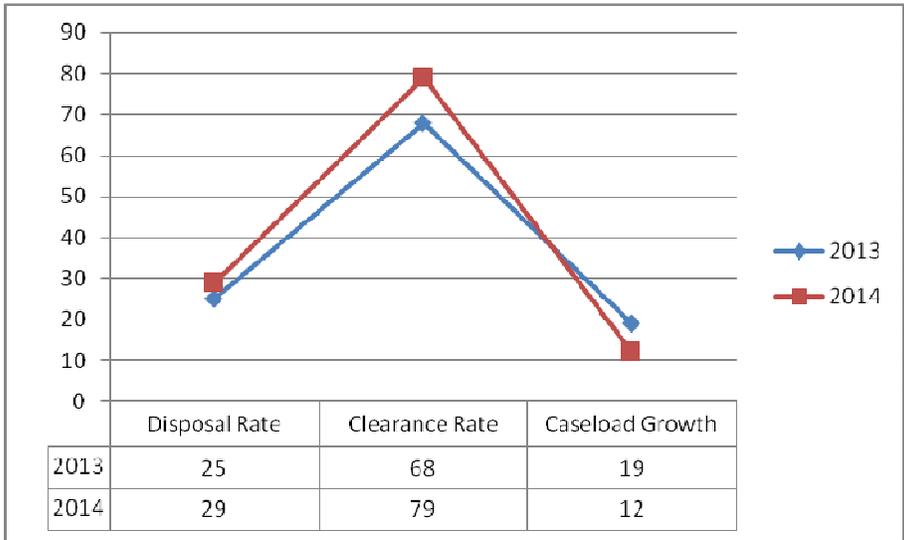
This indicator measures the increase or decrease in the number of cases that remain uncompleted in the Court System in a given period of time. It was developed to measure a Court Station's susceptibility to developing backlog. It is calculated as follows:

$$\text{Caseload Growth (\%)} = \frac{\text{Number cases Pending} - \text{Number of Cases Brought Forward}}{\text{Number of Cases Brought Forward}} \times 100$$

Results

Year	2013	2014
Disposal Rate	25	29
Clearance Rate	68	79
Caseload Growth	19	12

Graphical Representation



PART III

3.2 Challenges

Notwithstanding the impressive performance, the Country still faces some challenges. They include:

- Pre-trial Delays – mostly caused by too many cases each year for the limited number of judicial officers at all levels.
- Congested prisons – remand suspects – uncommitted.
- Increased number of committed suspects.

The statistics below, showing the status of committals as at end of January 2015 have a story to tell:

Criminal Division	586	Masindi	432
Nakawa	1044	Gulu	364
Jinja	845	Mbale	379
Lira	218	Soroti	281
Mbarara	920	Masaka	478
Arua	344	Kabale	379
Fort Portal	377		

Registrations in January: 277
Total by 31-01-2015: 6,647

- Low turn up of witnesses – ordinary and experts
- Low funding for sessions
- Slow justice delivery in land cases
- Backload build-up in civil cases – *thanks to overstretched human resource and Advocates who are not as concerned as judicial officers in responding to the crisis facing the courts.*

3.3 Prospects for better performance – 2015

1. Plea Bargains – Criminal Cases

The Judiciary is promoting the Plea Bargaining Programme at the High Court, to among others, improve efficiency in Uganda's Criminal Justice System, promote victims' and accused persons' participation in sentencing, reduce case backlog and prison congestion. The programme has so far been rolled out in the following High Court Circuits:

- Nakawa (Mpigi, Mubende, Kiboga, Entebbe)
- Mbarara
- Jinja/Mukono
- Masaka

The results so far are amazing and very encouraging.

For instance we have been able to clear cases as follows:

- Central Circuit (Nakawa): 357
- Mbarara: 105
- Jinja/Mukono: 148
- Masaka: 47
- Total 596**

Table below shows our performance so far:

HIGH COURT CIRCUIT	NO. OF ACCUSED ENROLLED FOR PLEA BARGAIN	SUCCESS RATE	COST AT PLEA BARGAIN	COST AT NORMAL SESSION
Nakawa	357	71%	124,950,000=	357,000,000=
Mbarara	105	80%	36,750,000=	105,000,000=
Jinja/Mukono	148	70%	51,800,000=	148,000,000=
Masaka	47	60%	16,450,000=	47,000,000=
Total	596		229,950,000=	657,000,000=

As result of this, 205 accused persons in Fort Portal, 116 in Jinja, 50 in Masaka, 200 in Mbarara, 50 in Luwero, 48 in Kampala High Court and 105 in Mbale, have expressed interest in joining the programme as indicated in the table below:

HIGH COURT CIRCUIT	NO. OF CASES TO BE DISPOSED	ESTIMATED COST AT PLEA BARGAIN	ESTIMATED COST AT NORMAL SESSION
Fort Portal	205	71,750,000=	205,000,000=
Jinja	116	40,600,000=	116,000,000=
Masaka	50	17,500,000=	50,000,000=
Mbarara	200	70,000,000=	200,000,000=
Luwero	50	17,500,000=	50,000,000=
Kampala	48	16,800,000=	48,000,000=
Mbale	105	36,750,000=	105,000,000=
Total	719	269,150,000=	884,000,000=

Note:

Under the Plea Bargain Programme, the average cost per file is approximately 350,000= (Three Hundred Fifty Thousand shillings) and with a likelihood of limited appeals or none, this will go a long way in reducing on the current number of approximately 7,000 accused persons committed for trial to the High Court.

The Unit Cost of resolving a case through the Normal Court Procedure is almost threefold the Unit Cost of Plea Bargaining.

This calls for more Investment in the Programme. Through the Plea Bargaining strategy, we hope to reduce congestion in prisons. This will in turn lead to:

- Reduction in cost of feeding remand suspects (currently standing at about Shs.1,350,500= per prisoner per year i.e 3700×365)

- Reduction in cost of trying remand suspects (currently standing at Shs.1,000,000= per prisoner)

We expect to plough back the savings to increase on the frequency of sessions for those not participating on the plea bargains. Our ultimate goal is to do away with the idea of first in prison, first out of prison principle and the system of sessions altogether.

3.2 Mediation (Civil Cases)

Agreements reached through mediation have proved to be:

- More flexible to meet overall needs of the litigants/parties
- Less costly

- A more satisfying resolution process than the slow, cumbersome, technicalities riddled litigation.

In the Commercial Division alone, 240 causes were carried forward to 2014, 615 were filed and 455 were disposed off leaving 400 causes pending.

We now have in place a Project Advisory Board for ADR mechanisms. It is headed by Hon. Justice D. K. Wangutusi.

All courts have been requested to create space for mediation sub-registries and mediation rooms.

Judges and Registrars in **Civil, Family, Land Divisions** (and **Industrial Court**) have been brought on board.

Challenges:

- Inadequate facilitation to mediation sub-registries
- Adequate training for both Judges/Magistrates and Mediators.
- Facilitation for court accredited Mediators estimated at Shs.300,000= per 3 hours sitting, 18 hrs per month which adds upto Shs.3,600,000= for say one circuit.
- Personnel requirements, Facilities and equipment, Furniture, Stationary and other related logistics.

3.3.3 The Chain Linked Advisory Board (Under JLOS)

Launched on Friday 20/02/2015, the Board is to provide guidance in addressing impediments, such as rising workloads, low turn up of witnesses, etc, to the administration of justice and maintenance of law

and order. Members include Senior Resident Judges in charge of circuits and other top-most senior administrators in relevant JLOS institutions.

Hard times call for hard decisions. We should not expect other people to work out solutions for us. We are the people to make them.

Albert Einstein could not have put it better:

“We cannot solve our problems with the same thinking we used when we created them”

With improved communication, co-operation and co-ordination between the institutions under the just revamped Chain Linked Initiative, Ugandans have cause to smile in as far as administration of justice is concerned in the Law Year 2015.

Thank You